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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,283	03/24/2004	Hirotsuna Miura	119230	4042

25944 7590 05/02/2006

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EXAMINER	
ZACHARIA, RAMSEY E	
ART UNIT	**PAPER NUMBER**
1773	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,283	MIURA, HIROTSUNA	
	Examiner	Art Unit	
	Ramsey Zacharia	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *2,5 and 8-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6 and 7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/29/04; 2/6/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the paper filed 03 April 2006 is acknowledged. The traversal is on the ground(s) that the Examiner has failed to establish a serious burden in examining all the claims together. This is not persuasive because the inventions have acquired a separate status in the art as was shown by their different classification (Group I in class 428 and Group II in class 264). That the inventions have acquired a separate status in the art constitutes a *prima facie* showing of a serious burden on the Examiner. See MPEP § 803.

2. Claims 8-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03 April 2006.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. Reference 1 in the IDS filmed 06 February 2006 has been lined through because it is not in the English language.

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The phrase "wires connected to the electrodes formed by dispersing metal particulates in a conductive polymer" renders claim 6 indefinite because the meaning of the phrase is unclear.

Claim Language

9. For the purpose of examination, claim 6 is taken to mean that the electrodes are formed by dispersing metal particulates in a conductive polymer and a connected to wires.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3, 4, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Graff et al. (US 2002/0125822 A1).

Graff et al. teach an OLED encapsulated in barrier stacks (paragraph 0002). The OLED includes an electroluminescent substance between two electrodes an may be utilized as a display device (paragraph 0003). The encapsulated OLED is present on a substrate that may be formed of a polymer such as PET or PES (paragraph 0033). PET and PES are irreversible elongate materials (see paragraph 0072 of the instant specification). A functional layer may be present between the substrate and the encapsulated OLED (paragraph 0031). The functional layer may be made of an elastomer (i.e. an elastic material) which improves the adhesion of the substrate to the encapsulated OLED (paragraph 0031).

Regarding claim 3, the polymer substrates disclosed by Graff et al. read on an elastic material since polymers are viscoelastic materials (and therefore have some degree of elasticity) and the claim as written does not require any particular elasticity.

Regarding claim 4, all polymers undergo physical aging below their glass transition temperature that results in a decreased volume (i.e. shrinkage).

Regarding claim 7, Graff et al. teach that their OLED may be used in a display device, which must inherently comprise a driving control device to operate as a display device.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graff et al. (US 2002/0125822 A1) in view of Ikarashi et al. (US 5,115,329).

Graff et al. teach all the limitations of claim 6, as outlined above, except for forming the electrodes from metal particulates in a conductive polymer. In order to function, electrodes must inherently be connected to a power source by wires.

Ikarashi et al. is directed to a electrolumenescent device that comprises two electrodes surrounding a light emitting layer (Figure 1 and column 3, lines 24-38). A conductive paste formed by dispersing metal powder into an organic resin may be used as a material for the electrodes (column 3, lines 17-23).

Therefore, it would be obvious to one skilled in the art to form the electrodes of Graff et al. from an organic resin containing a metal powder because the courts have held that the selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP 2144.07.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Zacharia
Primary Examiner
Tech Center 1700